

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LARRY KELLER, Derivatively on Behalf of
GALENA BIOPHARMA, INC.,

Plaintiff,

v.

WILLIAM L. ASHTON, RICHARD CHIN,
IRVING M. EINHORN, STEPHEN
GALLIKER, MARY ANN GRAY,
SANFORD J. HILLSBERG, RUDOLPH NISI,

Defendants

and,

GALENA BIOPHARMA, INC.,

Nominal Defendant

Civ. Action No. 17-01777 (JMV-MF)

ORDER

John Michael Vazquez, U.S.D.J.

This matter comes before the Court by the parties' joint stipulation setting a schedule regarding Galena Biopharma, Inc.'s (the "Company") motion to dismiss (D.E. 4): the Company requests to file the motion to dismiss within forty-five days of today; Plaintiff requests sixty days, from the day that the motion is filed, to file an opposition; the Company requests thirty days to file a reply; and the above-captioned individual defendants (the "Individual Defendants") request permission to postpone filing a motion or an answer until the Company's motion to dismiss is decided; and for good cause shown,

IT IS on this 17th day of April 2017,

ORDERED that the Court **GRANTS IN PART** and **DENIES IN PART** the joint stipulation; and it is further

ORDERED that the Court **GRANTS** the Company's request to file a motion to dismiss within forty-five days of this Order; and it is further

ORDERED that Plaintiff's request to file an opposition within sixty days of the filing of the motion to dismiss and the Company's request to file a reply within thirty days thereafter¹ is **DENIED**; and it is further

ORDERED that the Court **GRANTS** the Individual Defendants' request to postpone filing an answer until the disposition of the Company's motion to dismiss; the Individual Defendants may not, however, file a motion to dismiss after the Company's motion to dismiss is decided; if the Individual Defendants choose to file their own motions to dismiss, they must do so within forty-five days of this Order.


John Michael Vazquez, U.S.D.J.

¹ Once the Company files its motion to dismiss, the parties shall abide by the motion schedule set forth in L. Civ. R. 7.1(d). If the parties require additional time to file an opposition and/or a reply, they may re-submit requests for an extension at that time along with the basis for their request.